



July 19, 2019

File No: H2019.010-ZONE

Regional District of Okanagan-Similkameen
101 Martin Street
Penticton, B.C. V2A 5J9
Via E-mail: planning@rdos.bc.ca

Re: Bylaw Referral – File No. H2019.010ZONE

To the Regional District of Okanagan Similkameen,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the amendment of Electoral Area "H" OCP Bylaw No.2497 and Zoning Bylaw No. 2497 for the zoning change of AG3 to LH2 for the property located at 336 Tulameen River Road. Ministry staff have reviewed the documents you have provided. From an agricultural perspective we can provide the following comments for your consideration:

- The Agricultural Land Reserve (ALR) is a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are restricted.
- It is noted that the subdivision of this property was approved by the ALC in 2002.
- Ministry staff suggest that a lawful fence be established for this parcel (and all parcels resulting from the previous subdivision). This protects current and future property owners from issues (such as livestock being at large) and reduces the potential for complaints and conflict.

If you have any questions please contact me directly at christina.forbes@gov.bc.ca or 250-861-7201.

Sincerely,

Christina Forbes, P.Ag., Regional Agrologist
B.C. Ministry of Agriculture – Kelowna
Office: (250) 861-7201
E-mail: christina.forbes@gov.bc.ca

Email copy: Sara Huber, ALC Regional Planner, Sara.Huber@gov.bc.ca





Without Prejudice to Aboriginal Title and Rights
Not to be construed as consultation

Monday, July 22, 2019

Attention: Christopher Garrish, Planning Manager

Re: File #: H2019.010-ZONE

Summary: 336 Tulameen River Road - PID: 005-568-242

PURPOSE OF THE BYLAWS: To amend the Electoral Area "H" Official Community Plan (OCP) Bylaw No. 2497, 2012 designation of the southern portion of the property from Agriculture (AG) to Large Holdings (LH) as well as the Zoning Bylaw No. 2498, 2012 designation from Agricultural Three Zone (AG3) to large Holdings Two (LH2) to allow for the creation of an 8.6 hectare (ha) parcel.

Dear Mr. Garrish,

Further to your referral of July 18, 2019, we thank you for referring this matter to us. This referral falls within the of the area of responsibility of the Upper Similkameen Indian Band.

Our referrals department has now had the opportunity to review the referral package provided by RDOS. Our archaeologist has reviewed the package and indicate that this site will require Preliminary Field Reconnaissance (PFR) to determine if a more rigorous archaeology impact assessment is required. Previous information on file indicates that only the upper terrace of this site has been surveyed.

This information is communicated in good faith however First Nations still claim title to the un-ceded lands and resources of British Columbia. By this First Nations have made it abundantly clear that they have not discharged the governments of British Columbia or Canada from their fiduciary obligations as the title to the land and resources is not yet settled. Recent court decisions such as the Tsilqot'in land claim have now proven aboriginal title exists on the land and that adequate consultation and accommodation of Aboriginal Title and Rights in the land and resources must be taken into consideration. This review has been undertaken without prejudice to these Aboriginal Title and Rights.

Please feel free to contact me if you require further information.

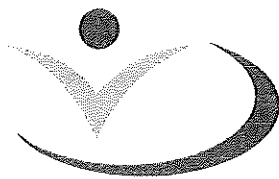
Sincerely,
Upper Similkameen Indian Band

A handwritten signature in black ink, appearing to read "Robin Irwin".

Robin Irwin
Referrals Coordinator

Box 220, Hedley, BC V0X 1K0
161 Snaza'ist Drive
Phone: (250) 292-8733 Fax: (250) 292-8753





Interior Health
Every person matters

July 23, 2019

Christopher Garrish
Regional District of Okanagan-Similkameen
101 Martin St
Penticton, BC V2A 5J9
<mailto:planning@rdos.bc.ca>

Dear Christopher Garrish:

RE: File #: H2019.010-ZONE
Our interests are unaffected

The IH Healthy Built Environment (HBE) Team has received the above captioned referral from your agency. Typically we provide comments regarding potential health impacts of a proposal. More information about our program can be found at [Healthy Built Environment](#).

An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal.

However, should you have further concerns, please return the referral to hbe@interiorhealth.ca with a note explaining your new request, or you are welcome to contact me directly at 1-855-744-6328 then choose HBE option.

Sincerely,

Mike Adams, CPHI(C)
Team Leader, Healthy Communities
Interior Health Authority



Fiona Titley

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: Wednesday, July 31, 2019 1:41 PM
To: Planning
Subject: Tulameen River Rd, 336, RDOS (H2019_010 ZONE)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities within Tulameen River Road and Lawless Creek Road. Due to their size and configuration, significant extension work will likely be required to bring service to potential building sites, the cost of which may be significant. To date, arrangements have not been completed to meet the requirements to service the proposed subdivision. The applicant is responsible for costs associated with changes to the proposed lots' existing service, if any, as well as the provision of appropriate land rights where required.

For more information, please refer to FBC(E)'s overhead and underground design requirements:

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

<http://www.fortisbc.com/InstallGuide>

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician's Name and Phone number
- [FortisBC Total Connected Load Form](#)
- Other technical information relative to electrical servicing

Otherwise, FBC(E) has no concerns with this circulation.

It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

If you have any questions or comments, please contact me at your convenience.

Best Regards,

Steven Danielson, AACI, SR/WA
Contract Land Agent for:

Nicholas Mirsky, B.Comm., AACI, SR/WA
Supervisor | Property Services | FortisBC Inc.

2850 Benvoulin Rd
Kelowna, BC V1W 2E3
Office: 250.469.8033
Mobile: 250.718.9398
Fax: 1.866.636.6171
nicholas.mirsky@fortisbc.com

Lauri Feindell

Subject: FW: RE: Bylaw Referral - Project H2019.010-ZONE

From: John Kurvink <jkurvink@rdos.bc.ca>

Sent: August 16, 2019 8:40 AM

To: Fiona Titley <ftitley@rdos.bc.ca>; Cameron Baughen <cbaughen@rdos.bc.ca>

Cc: Lauri Feindell <lfeindell@rdos.bc.ca>

Subject: RE: RE: Bylaw Referral - Project H2019.010-ZONE

No impact from Finance.

John

Lauri Feindell

Subject: FW: RE: Bylaw Referral - Project H2019.010-ZONE

From: Cameron Baughen <cbaughen@rdos.bc.ca>
Sent: August 15, 2019 3:37 PM
To: Fiona Titley <ftitley@rdos.bc.ca>; John Kurvink <jkurvink@rdos.bc.ca>
Cc: Lauri Feindell <lfeindell@rdos.bc.ca>
Subject: RE: RE: Bylaw Referral - Project H2019.010-ZONE

This does not impact the Solid Waste Management Plan.

Cameron Baughen, RDOS Solid Waste Management Coordinator
101 Martin Street, Penticton BC
Ph 250-490-4203 TF 1-877-610-3737
cbaughen@rdos.bc.ca www.rdos.bc.ca

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Agricultural Land Commission

201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033
www.alc.gov.bc.ca

August 15, 2019

Reply to the attention of Sara Huber
ALC Issue: 51497
Local Government File: H2019.010-ZONE

Lauri Feindell
Administrative Assistant, Regional District of Okanagan Similkameen
planning@rdos.bc.ca

Delivered Electronically

Re: RDOS Electoral Area H Official Community Plan and Zoning Amendment Bylaw Nos. 2497.11 and 2498.18

Thank you for forwarding draft copies of Regional District of Okanagan Similkameen (RDOS) Electoral Area H Official Community Plan (OCP) and Zoning Amendment Bylaw Nos. 2497.11 and 2498.18 (the "Bylaws") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Bylaws are consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve General Regulation, (the "General Regulation"), the Agricultural Land Reserve Use Regulation (the "Use Regulation"), and any decisions of the ALC.

Current Proposal

The purpose of the Bylaws are to amend the Electoral Area H OCP designation of the southern portion of the property identified as 336 Tulameen River Road (the "Property") from Agriculture (AG) to Large Holdings (LH), and to amend the Zoning Bylaw designation of the Property from Agricultural Three Zone (AG3) to Large Holdings Two (LH2) to allow for the creation of an 8.6 ha parcel.

The Property is currently hooked and the applicant is seeking to subdivide the northern portion of the Property into six new parcels. In doing so; however, there is a remainder parcel that will not meet the 20 ha minimum parcel size required by the AG3 zoning of the southern part of the Property. Accordingly, a rezone is required to allow for the creation of an 8.6 ha parcel in that location.

Previous Applications

In February 2002, the Commission approved subdivision of the Property into 13 - 2 ha lots with a 21 ha remainder at the south end of the Property (ALC Application 5374; Resolution #9/2002).

In February 2019, the Commission received a letter from All Terra Land Surveying Ltd. (the "Agent") advising that the applicants would be moving forward with the subdivision of the final 6 lots. The letter also advised that slight tweaks had been made to the layout of the subdivision to accommodate an internal shared driveway and to provide optimal use of the developable land; however, the plan is substantially similar to the original approval.

ALC Response

ALC staff recognizes that the subdivision was approved in 2002 and that the Bylaws are required in order to facilitate such subdivision. While slight amendments have been made to the plan, the ALC finds that the plan is in substantial compliance with the approval. For these reasons, the ALC has no objection to the proposed Bylaws.

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.

If you have any questions about the above comments, please contact the undersigned at 604-660-7019 or by e-mail (Sara.Huber@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Sara Huber, Regional Planner

Enclosure: Referral H2019.010-ZONE

CC: Ministry of Agriculture – Attention: Christina Forbes

51497m1

February 8, 2002

Reply to the attention of Caoimhe (Keeva) Kehler

Jennifer and Larry Liss
Site 2D, Comp 1
Tulameen, BC - V0X 2L0

Dear Mr. and Mrs. Liss:

Re: Application #V-30591-1

Further to your letter of January 10, 2002, the Land Reserve Commission (the "Commission"), acting pursuant to section 26 of the *Agricultural Land Reserve Act*, has reconsidered the above noted application.

The Commission, by Resolution #9/2002, has allowed your application to subdivide the property into 13 ± 2 ha lots leaving a 21 ha remainder at the south end of the parcel. The subdivision must be in substantial compliance with the attached plan.

The land referred to in the application remains subject to the provisions of the *Agricultural Land Reserve Act*, the *Soil Conservation Act* and applicable regulations except as provided by this approval.

Furthermore, the Commission's approval does not relieve you of the responsibility of adhering to any other enactment, legislation or decision of any agency having jurisdiction. Please contact the Regional District of Okanagan-Similkameen, as other approvals may be needed before your development can proceed.

When the final survey plans have been prepared, please send two (2) paper prints to this office well in advance of commencing registration. The Commission will then authorize the Registrar of Land Titles to accept the application for deposit of the plans.

Please quote your application number in any future correspondence.

Yours truly,

LAND RESERVE COMMISSION

per:



K. B. Miller, Chief Executive Officer

cc: Regional District of Okanagan-Similkameen (H.96.00724.040)
Approving Officer, Ministry of Transportation, Penticton
B.C. Assessment, Penticton

CK/lv Encl./I:30591d2.

Subject property.

Approved subdivision into 13 ± 2 ha lots.

L.519

